

1 AN ACT in relation to sex offenders.

2 Be it enacted by the People of the State of Illinois,
3 represented in the General Assembly:

4 Section 5. The Unified Code of Corrections is amended by
5 changing Sections 3-3-7, 5-6-3, and 5-6-3.1 as follows:

6 (730 ILCS 5/3-3-7) (from Ch. 38, par. 1003-3-7)

7 Sec. 3-3-7. Conditions of Parole or Mandatory Supervised
8 Release.

9 (a) The conditions of parole or mandatory supervised
10 release shall be such as the Prisoner Review Board deems
11 necessary to assist the subject in leading a law-abiding
12 life. The conditions of every parole and mandatory supervised
13 release are that the subject:

14 (1) not violate any criminal statute of any
15 jurisdiction during the parole or release term;

16 (2) refrain from possessing a firearm or other
17 dangerous weapon;

18 (3) report to an agent of the Department of
19 Corrections;

20 (4) permit the agent to visit him or her at his or
21 her home, employment, or elsewhere to the extent
22 necessary for the agent to discharge his or her duties;

23 (5) attend or reside in a facility established for
24 the instruction or residence of persons on parole or
25 mandatory supervised release;

26 (6) secure permission before visiting or writing a
27 committed person in an Illinois Department of Corrections
28 facility;

29 (7) report all arrests to an agent of the
30 Department of Corrections as soon as permitted by the
31 arresting authority but in no event later than 24 hours

1 after release from custody;

2 (8) obtain permission of an agent of the Department
3 of Corrections before leaving the State of Illinois;

4 (9) obtain permission of an agent of the Department
5 of Corrections before changing his or her residence or
6 employment;

7 (10) consent to a search of his or her person,
8 property, or residence under his or her control;

9 (11) refrain from the use or possession of
10 narcotics or other controlled substances in any form, or
11 both, or any paraphernalia related to those substances
12 and submit to a urinalysis test as instructed by a parole
13 agent of the Department of Corrections;

14 (12) not frequent places where controlled
15 substances are illegally sold, used, distributed, or
16 administered;

17 (13) not knowingly associate with other persons on
18 parole or mandatory supervised release without prior
19 written permission of his or her parole agent and not
20 associate with persons who are members of an organized
21 gang as that term is defined in the Illinois Streetgang
22 Terrorism Omnibus Prevention Act;

23 (14) provide true and accurate information, as it
24 relates to his or her adjustment in the community while
25 on parole or mandatory supervised release or to his or
26 her conduct while incarcerated, in response to inquiries
27 by his or her parole agent or of the Department of
28 Corrections; and

29 (15) follow any specific instructions provided by
30 the parole agent that are consistent with furthering
31 conditions set and approved by the Prisoner Review Board
32 or by law, exclusive of placement on electronic
33 detention, to achieve the goals and objectives of his or
34 her parole or mandatory supervised release or to protect

1 the public. These instructions by the parole agent may be
2 modified at any time, as the agent deems appropriate;
3 and-

4 (16) if convicted of a sex offense as defined in
5 Section 10 of the Sex Offender Management Board Act, not
6 participate in a holiday event involving children under
7 18 years of age, such as distributing candy or other
8 items to children on Halloween, wearing a Santa Claus
9 costume on or preceding Christmas, being employed as a
10 department store Santa Claus, or wearing an Easter Bunny
11 costume on or preceding Easter.

12 (b) The Board may in addition to other conditions
13 require that the subject:

14 (1) work or pursue a course of study or vocational
15 training;

16 (2) undergo medical or psychiatric treatment, or
17 treatment for drug addiction or alcoholism;

18 (3) attend or reside in a facility established for
19 the instruction or residence of persons on probation or
20 parole;

21 (4) support his dependents;

22 (5) (blank);

23 (6) (blank);

24 (7) comply with the terms and conditions of an
25 order of protection issued pursuant to the Illinois
26 Domestic Violence Act of 1986, enacted by the 84th
27 General Assembly, or an order of protection issued by the
28 court of another state, tribe, or United States
29 territory; and

30 (8) in addition, if a minor:

31 (i) reside with his parents or in a foster
32 home;

33 (ii) attend school;

34 (iii) attend a non-residential program for

1 youth; or

2 (iv) contribute to his own support at home or
3 in a foster home.

4 (c) The conditions under which the parole or mandatory
5 supervised release is to be served shall be communicated to
6 the person in writing prior to his release, and he shall sign
7 the same before release. A signed copy of these conditions,
8 including a copy of an order of protection where one had been
9 issued by the criminal court, shall be retained by the person
10 and another copy forwarded to the officer in charge of his
11 supervision.

12 (d) After a hearing under Section 3-3-9, the Prisoner
13 Review Board may modify or enlarge the conditions of parole
14 or mandatory supervised release.

15 (e) The Department shall inform all offenders committed
16 to the Department of the optional services available to them
17 upon release and shall assist inmates in availing themselves
18 of such optional services upon their release on a voluntary
19 basis.

20 (Source: P.A. 91-903, eff. 1-1-01; 92-460, eff. 1-1-02.)

21 (730 ILCS 5/5-6-3) (from Ch. 38, par. 1005-6-3)

22 Sec. 5-6-3. Conditions of Probation and of Conditional
23 Discharge.

24 (a) The conditions of probation and of conditional
25 discharge shall be that the person:

26 (1) not violate any criminal statute of any
27 jurisdiction;

28 (2) report to or appear in person before such
29 person or agency as directed by the court;

30 (3) refrain from possessing a firearm or other
31 dangerous weapon;

32 (4) not leave the State without the consent of the
33 court or, in circumstances in which the reason for the

1 absence is of such an emergency nature that prior consent
2 by the court is not possible, without the prior
3 notification and approval of the person's probation
4 officer. Transfer of a person's probation or conditional
5 discharge supervision to another state is subject to
6 acceptance by the other state pursuant to the Interstate
7 Compact for Adult Offender Supervision;

8 (5) permit the probation officer to visit him at
9 his home or elsewhere to the extent necessary to
10 discharge his duties;

11 (6) perform no less than 30 hours of community
12 service and not more than 120 hours of community service,
13 if community service is available in the jurisdiction and
14 is funded and approved by the county board where the
15 offense was committed, where the offense was related to
16 or in furtherance of the criminal activities of an
17 organized gang and was motivated by the offender's
18 membership in or allegiance to an organized gang. The
19 community service shall include, but not be limited to,
20 the cleanup and repair of any damage caused by a
21 violation of Section 21-1.3 of the Criminal Code of 1961
22 and similar damage to property located within the
23 municipality or county in which the violation occurred.
24 When possible and reasonable, the community service
25 should be performed in the offender's neighborhood. For
26 purposes of this Section, "organized gang" has the
27 meaning ascribed to it in Section 10 of the Illinois
28 Streetgang Terrorism Omnibus Prevention Act;

29 (7) if he or she is at least 17 years of age and
30 has been sentenced to probation or conditional discharge
31 for a misdemeanor or felony in a county of 3,000,000 or
32 more inhabitants and has not been previously convicted of
33 a misdemeanor or felony, may be required by the
34 sentencing court to attend educational courses designed

1 to prepare the defendant for a high school diploma and to
2 work toward a high school diploma or to work toward
3 passing the high school level Test of General Educational
4 Development (GED) or to work toward completing a
5 vocational training program approved by the court. The
6 person on probation or conditional discharge must attend
7 a public institution of education to obtain the
8 educational or vocational training required by this
9 clause (7). The court shall revoke the probation or
10 conditional discharge of a person who wilfully fails to
11 comply with this clause (7). The person on probation or
12 conditional discharge shall be required to pay for the
13 cost of the educational courses or GED test, if a fee is
14 charged for those courses or test. The court shall
15 resentence the offender whose probation or conditional
16 discharge has been revoked as provided in Section 5-6-4.
17 This clause (7) does not apply to a person who has a
18 high school diploma or has successfully passed the GED
19 test. This clause (7) does not apply to a person who is
20 determined by the court to be developmentally disabled or
21 otherwise mentally incapable of completing the
22 educational or vocational program;

23 (8) if convicted of possession of a substance
24 prohibited by the Cannabis Control Act or Illinois
25 Controlled Substances Act after a previous conviction or
26 disposition of supervision for possession of a substance
27 prohibited by the Cannabis Control Act or Illinois
28 Controlled Substances Act or after a sentence of
29 probation under Section 10 of the Cannabis Control Act or
30 Section 410 of the Illinois Controlled Substances Act and
31 upon a finding by the court that the person is addicted,
32 undergo treatment at a substance abuse program approved
33 by the court; and

34 (9) if convicted of a felony, physically surrender

1 at a time and place designated by the court, his or her
2 Firearm Owner's Identification Card and any and all
3 firearms in his or her possession; and-

4 (10) if convicted of a sex offense as defined in
5 Section 10 of the Sex Offender Management Board Act, not
6 participate in a holiday event involving children under
7 18 years of age, such as distributing candy or other
8 items to children on Halloween, wearing a Santa Claus
9 costume on or preceding Christmas, being employed as a
10 department store Santa Claus, or wearing an Easter Bunny
11 costume on or preceding Easter.

12 (b) The Court may in addition to other reasonable
13 conditions relating to the nature of the offense or the
14 rehabilitation of the defendant as determined for each
15 defendant in the proper discretion of the Court require that
16 the person:

17 (1) serve a term of periodic imprisonment under
18 Article 7 for a period not to exceed that specified in
19 paragraph (d) of Section 5-7-1;

20 (2) pay a fine and costs;

21 (3) work or pursue a course of study or vocational
22 training;

23 (4) undergo medical, psychological or psychiatric
24 treatment; or treatment for drug addiction or alcoholism;

25 (5) attend or reside in a facility established for
26 the instruction or residence of defendants on probation;

27 (6) support his dependents;

28 (7) and in addition, if a minor:

29 (i) reside with his parents or in a foster
30 home;

31 (ii) attend school;

32 (iii) attend a non-residential program for
33 youth;

34 (iv) contribute to his own support at home or

1 in a foster home;

2 (v) with the consent of the superintendent of
3 the facility, attend an educational program at a
4 facility other than the school in which the offense
5 was committed if he or she is convicted of a crime
6 of violence as defined in Section 2 of the Crime
7 Victims Compensation Act committed in a school, on
8 the real property comprising a school, or within
9 1,000 feet of the real property comprising a school;

10 (8) make restitution as provided in Section 5-5-6
11 of this Code;

12 (9) perform some reasonable public or community
13 service;

14 (10) serve a term of home confinement. In addition
15 to any other applicable condition of probation or
16 conditional discharge, the conditions of home confinement
17 shall be that the offender:

18 (i) remain within the interior premises of the
19 place designated for his confinement during the
20 hours designated by the court;

21 (ii) admit any person or agent designated by
22 the court into the offender's place of confinement
23 at any time for purposes of verifying the offender's
24 compliance with the conditions of his confinement;
25 and

26 (iii) if further deemed necessary by the court
27 or the Probation or Court Services Department, be
28 placed on an approved electronic monitoring device,
29 subject to Article 8A of Chapter V;

30 (iv) for persons convicted of any alcohol,
31 cannabis or controlled substance violation who are
32 placed on an approved monitoring device as a
33 condition of probation or conditional discharge, the
34 court shall impose a reasonable fee for each day of

1 the use of the device, as established by the county
2 board in subsection (g) of this Section, unless
3 after determining the inability of the offender to
4 pay the fee, the court assesses a lesser fee or no
5 fee as the case may be. This fee shall be imposed in
6 addition to the fees imposed under subsections
7 (g) and (i) of this Section. The fee shall be
8 collected by the clerk of the circuit court. The
9 clerk of the circuit court shall pay all monies
10 collected from this fee to the county treasurer for
11 deposit in the substance abuse services fund under
12 Section 5-1086.1 of the Counties Code; and

13 (v) for persons convicted of offenses other
14 than those referenced in clause (iv) above and who
15 are placed on an approved monitoring device as a
16 condition of probation or conditional discharge, the
17 court shall impose a reasonable fee for each day of
18 the use of the device, as established by the county
19 board in subsection (g) of this Section, unless
20 after determining the inability of the defendant to
21 pay the fee, the court assesses a lesser fee or no
22 fee as the case may be. This fee shall be imposed
23 in addition to the fees imposed under subsections
24 (g) and (i) of this Section. The fee shall be
25 collected by the clerk of the circuit court. The
26 clerk of the circuit court shall pay all monies
27 collected from this fee to the county treasurer who
28 shall use the monies collected to defray the costs
29 of corrections. The county treasurer shall deposit
30 the fee collected in the county working cash fund
31 under Section 6-27001 or Section 6-29002 of the
32 Counties Code, as the case may be.

33 (11) comply with the terms and conditions of an
34 order of protection issued by the court pursuant to the

1 Illinois Domestic Violence Act of 1986, as now or
2 hereafter amended, or an order of protection issued by
3 the court of another state, tribe, or United States
4 territory. A copy of the order of protection shall be
5 transmitted to the probation officer or agency having
6 responsibility for the case;

7 (12) reimburse any "local anti-crime program" as
8 defined in Section 7 of the Anti-Crime Advisory Council
9 Act for any reasonable expenses incurred by the program
10 on the offender's case, not to exceed the maximum amount
11 of the fine authorized for the offense for which the
12 defendant was sentenced;

13 (13) contribute a reasonable sum of money, not to
14 exceed the maximum amount of the fine authorized for the
15 offense for which the defendant was sentenced, to a
16 "local anti-crime program", as defined in Section 7 of
17 the Anti-Crime Advisory Council Act;

18 (14) refrain from entering into a designated
19 geographic area except upon such terms as the court finds
20 appropriate. Such terms may include consideration of the
21 purpose of the entry, the time of day, other persons
22 accompanying the defendant, and advance approval by a
23 probation officer, if the defendant has been placed on
24 probation or advance approval by the court, if the
25 defendant was placed on conditional discharge;

26 (15) refrain from having any contact, directly or
27 indirectly, with certain specified persons or particular
28 types of persons, including but not limited to members of
29 street gangs and drug users or dealers;

30 (16) refrain from having in his or her body the
31 presence of any illicit drug prohibited by the Cannabis
32 Control Act or the Illinois Controlled Substances Act,
33 unless prescribed by a physician, and submit samples of
34 his or her blood or urine or both for tests to determine

1 the presence of any illicit drug.

2 (c) The court may as a condition of probation or of
3 conditional discharge require that a person under 18 years of
4 age found guilty of any alcohol, cannabis or controlled
5 substance violation, refrain from acquiring a driver's
6 license during the period of probation or conditional
7 discharge. If such person is in possession of a permit or
8 license, the court may require that the minor refrain from
9 driving or operating any motor vehicle during the period of
10 probation or conditional discharge, except as may be
11 necessary in the course of the minor's lawful employment.

12 (d) An offender sentenced to probation or to conditional
13 discharge shall be given a certificate setting forth the
14 conditions thereof.

15 (e) Except where the offender has committed a fourth or
16 subsequent violation of subsection (c) of Section 6-303 of
17 the Illinois Vehicle Code, the court shall not require as a
18 condition of the sentence of probation or conditional
19 discharge that the offender be committed to a period of
20 imprisonment in excess of 6 months. This 6 month limit shall
21 not include periods of confinement given pursuant to a
22 sentence of county impact incarceration under Section
23 5-8-1.2. This 6 month limit does not apply to a person
24 sentenced to probation as a result of a conviction of a
25 fourth or subsequent violation of subsection (c-4) of Section
26 11-501 of the Illinois Vehicle Code or a similar provision of
27 a local ordinance.

28 Persons committed to imprisonment as a condition of
29 probation or conditional discharge shall not be committed to
30 the Department of Corrections.

31 (f) The court may combine a sentence of periodic
32 imprisonment under Article 7 or a sentence to a county impact
33 incarceration program under Article 8 with a sentence of
34 probation or conditional discharge.

1 (g) An offender sentenced to probation or to conditional
2 discharge and who during the term of either undergoes
3 mandatory drug or alcohol testing, or both, or is assigned to
4 be placed on an approved electronic monitoring device, shall
5 be ordered to pay all costs incidental to such mandatory drug
6 or alcohol testing, or both, and all costs incidental to such
7 approved electronic monitoring in accordance with the
8 defendant's ability to pay those costs. The county board
9 with the concurrence of the Chief Judge of the judicial
10 circuit in which the county is located shall establish
11 reasonable fees for the cost of maintenance, testing, and
12 incidental expenses related to the mandatory drug or alcohol
13 testing, or both, and all costs incidental to approved
14 electronic monitoring, involved in a successful probation
15 program for the county. The concurrence of the Chief Judge
16 shall be in the form of an administrative order. The fees
17 shall be collected by the clerk of the circuit court. The
18 clerk of the circuit court shall pay all moneys collected
19 from these fees to the county treasurer who shall use the
20 moneys collected to defray the costs of drug testing, alcohol
21 testing, and electronic monitoring. The county treasurer
22 shall deposit the fees collected in the county working cash
23 fund under Section 6-27001 or Section 6-29002 of the Counties
24 Code, as the case may be.

25 (h) Jurisdiction over an offender may be transferred
26 from the sentencing court to the court of another circuit
27 with the concurrence of both courts. Further transfers or
28 retransfers of jurisdiction are also authorized in the same
29 manner. The court to which jurisdiction has been transferred
30 shall have the same powers as the sentencing court.

31 (i) The court shall impose upon an offender sentenced to
32 probation after January 1, 1989 or to conditional discharge
33 after January 1, 1992 or to community service under the
34 supervision of a probation or court services department after

1 January 1, 2004, as a condition of such probation or
2 conditional discharge or supervised community service, a fee
3 of \$50 for each month of probation or conditional discharge
4 supervision or supervised community service ordered by the
5 court, unless after determining the inability of the person
6 sentenced to probation or conditional discharge or supervised
7 community service to pay the fee, the court assesses a lesser
8 fee. The court may not impose the fee on a minor who is made
9 a ward of the State under the Juvenile Court Act of 1987
10 while the minor is in placement. The fee shall be imposed
11 only upon an offender who is actively supervised by the
12 probation and court services department. The fee shall be
13 collected by the clerk of the circuit court. The clerk of
14 the circuit court shall pay all monies collected from this
15 fee to the county treasurer for deposit in the probation and
16 court services fund under Section 15.1 of the Probation and
17 Probation Officers Act.

18 A circuit court may not impose a probation fee in excess
19 of \$25 per month unless: (1) the circuit court has adopted,
20 by administrative order issued by the chief judge, a standard
21 probation fee guide determining an offender's ability to pay,
22 under guidelines developed by the Administrative Office of
23 the Illinois Courts; and (2) the circuit court has
24 authorized, by administrative order issued by the chief
25 judge, the creation of a Crime Victim's Services Fund, to be
26 administered by the Chief Judge or his or her designee, for
27 services to crime victims and their families. Of the amount
28 collected as a probation fee, not to exceed \$5 of that fee
29 collected per month may be used to provide services to crime
30 victims and their families.

31 (j) All fines and costs imposed under this Section for
32 any violation of Chapters 3, 4, 6, and 11 of the Illinois
33 Vehicle Code, or a similar provision of a local ordinance,
34 and any violation of the Child Passenger Protection Act, or a

1 similar provision of a local ordinance, shall be collected
2 and disbursed by the circuit clerk as provided under Section
3 27.5 of the Clerks of Courts Act.

4 (Source: P.A. 92-282, eff. 8-7-01; 92-340, eff. 8-10-01;
5 92-418, eff. 8-17-01; 92-442, eff. 8-17-01; 92-571, eff.
6 6-26-02; 92-651, eff. 7-11-02; 93-475, eff. 8-8-03.)

7 (730 ILCS 5/5-6-3.1) (from Ch. 38, par. 1005-6-3.1)

8 Sec. 5-6-3.1. Incidents and Conditions of Supervision.

9 (a) When a defendant is placed on supervision, the court
10 shall enter an order for supervision specifying the period of
11 such supervision, and shall defer further proceedings in the
12 case until the conclusion of the period.

13 (b) The period of supervision shall be reasonable under
14 all of the circumstances of the case, but may not be longer
15 than 2 years, unless the defendant has failed to pay the
16 assessment required by Section 10.3 of the Cannabis Control
17 Act or Section 411.2 of the Illinois Controlled Substances
18 Act, in which case the court may extend supervision beyond 2
19 years. Additionally, the court shall order the defendant to
20 perform no less than 30 hours of community service and not
21 more than 120 hours of community service, if community
22 service is available in the jurisdiction and is funded and
23 approved by the county board where the offense was committed,
24 when the offense (1) was related to or in furtherance of the
25 criminal activities of an organized gang or was motivated by
26 the defendant's membership in or allegiance to an organized
27 gang; or (2) is a violation of any Section of Article 24 of
28 the Criminal Code of 1961 where a disposition of supervision
29 is not prohibited by Section 5-6-1 of this Code. The
30 community service shall include, but not be limited to, the
31 cleanup and repair of any damage caused by violation of
32 Section 21-1.3 of the Criminal Code of 1961 and similar
33 damages to property located within the municipality or county

1 in which the violation occurred. Where possible and
2 reasonable, the community service should be performed in the
3 offender's neighborhood.

4 For the purposes of this Section, "organized gang" has
5 the meaning ascribed to it in Section 10 of the Illinois
6 Streetgang Terrorism Omnibus Prevention Act.

7 (c) The court may in addition to other reasonable
8 conditions relating to the nature of the offense or the
9 rehabilitation of the defendant as determined for each
10 defendant in the proper discretion of the court require that
11 the person:

12 (1) make a report to and appear in person before or
13 participate with the court or such courts, person, or
14 social service agency as directed by the court in the
15 order of supervision;

16 (2) pay a fine and costs;

17 (3) work or pursue a course of study or vocational
18 training;

19 (4) undergo medical, psychological or psychiatric
20 treatment; or treatment for drug addiction or alcoholism;

21 (5) attend or reside in a facility established for
22 the instruction or residence of defendants on probation;

23 (6) support his dependents;

24 (7) refrain from possessing a firearm or other
25 dangerous weapon;

26 (8) and in addition, if a minor:

27 (i) reside with his parents or in a foster
28 home;

29 (ii) attend school;

30 (iii) attend a non-residential program for
31 youth;

32 (iv) contribute to his own support at home or
33 in a foster home; or

34 (v) with the consent of the superintendent of

1 the facility, attend an educational program at a
2 facility other than the school in which the offense
3 was committed if he or she is placed on supervision
4 for a crime of violence as defined in Section 2 of
5 the Crime Victims Compensation Act committed in a
6 school, on the real property comprising a school, or
7 within 1,000 feet of the real property comprising a
8 school;

9 (9) make restitution or reparation in an amount not
10 to exceed actual loss or damage to property and pecuniary
11 loss or make restitution under Section 5-5-6 to a
12 domestic violence shelter. The court shall determine the
13 amount and conditions of payment;

14 (10) perform some reasonable public or community
15 service;

16 (11) comply with the terms and conditions of an
17 order of protection issued by the court pursuant to the
18 Illinois Domestic Violence Act of 1986 or an order of
19 protection issued by the court of another state, tribe,
20 or United States territory. If the court has ordered the
21 defendant to make a report and appear in person under
22 paragraph (1) of this subsection, a copy of the order of
23 protection shall be transmitted to the person or agency
24 so designated by the court;

25 (12) reimburse any "local anti-crime program" as
26 defined in Section 7 of the Anti-Crime Advisory Council
27 Act for any reasonable expenses incurred by the program
28 on the offender's case, not to exceed the maximum amount
29 of the fine authorized for the offense for which the
30 defendant was sentenced;

31 (13) contribute a reasonable sum of money, not to
32 exceed the maximum amount of the fine authorized for the
33 offense for which the defendant was sentenced, to a
34 "local anti-crime program", as defined in Section 7 of

1 the Anti-Crime Advisory Council Act;

2 (14) refrain from entering into a designated
3 geographic area except upon such terms as the court finds
4 appropriate. Such terms may include consideration of the
5 purpose of the entry, the time of day, other persons
6 accompanying the defendant, and advance approval by a
7 probation officer;

8 (15) refrain from having any contact, directly or
9 indirectly, with certain specified persons or particular
10 types of person, including but not limited to members of
11 street gangs and drug users or dealers;

12 (16) refrain from having in his or her body the
13 presence of any illicit drug prohibited by the Cannabis
14 Control Act or the Illinois Controlled Substances Act,
15 unless prescribed by a physician, and submit samples of
16 his or her blood or urine or both for tests to determine
17 the presence of any illicit drug;

18 (17) refrain from operating any motor vehicle not
19 equipped with an ignition interlock device as defined in
20 Section 1-129.1 of the Illinois Vehicle Code. Under this
21 condition the court may allow a defendant who is not
22 self-employed to operate a vehicle owned by the
23 defendant's employer that is not equipped with an
24 ignition interlock device in the course and scope of the
25 defendant's employment;

26 (18) if placed on supervision for a sex offense as
27 defined in Section 10 of the Sex Offender Management
28 Board Act, not participate in a holiday event involving
29 children under 18 years of age, such as distributing
30 candy or other items to children on Halloween, wearing a
31 Santa Claus costume on or preceding Christmas, being
32 employed as a department store Santa Claus, or wearing an
33 Easter Bunny costume on or preceding Easter.

34 (d) The court shall defer entering any judgment on the

1 charges until the conclusion of the supervision.

2 (e) At the conclusion of the period of supervision, if
3 the court determines that the defendant has successfully
4 complied with all of the conditions of supervision, the court
5 shall discharge the defendant and enter a judgment dismissing
6 the charges.

7 (f) Discharge and dismissal upon a successful conclusion
8 of a disposition of supervision shall be deemed without
9 adjudication of guilt and shall not be termed a conviction
10 for purposes of disqualification or disabilities imposed by
11 law upon conviction of a crime. Two years after the
12 discharge and dismissal under this Section, unless the
13 disposition of supervision was for a violation of Sections
14 3-707, 3-708, 3-710, 5-401.3, or 11-503 of the Illinois
15 Vehicle Code or a similar provision of a local ordinance, or
16 for a violation of Sections 12-3.2 or 16A-3 of the Criminal
17 Code of 1961, in which case it shall be 5 years after
18 discharge and dismissal, a person may have his record of
19 arrest sealed or expunged as may be provided by law.
20 However, any defendant placed on supervision before January
21 1, 1980, may move for sealing or expungement of his arrest
22 record, as provided by law, at any time after discharge and
23 dismissal under this Section. A person placed on supervision
24 for a sexual offense committed against a minor as defined in
25 subsection (g) of Section 5 of the Criminal Identification
26 Act or for a violation of Section 11-501 of the Illinois
27 Vehicle Code or a similar provision of a local ordinance
28 shall not have his or her record of arrest sealed or
29 expunged.

30 (g) A defendant placed on supervision and who during the
31 period of supervision undergoes mandatory drug or alcohol
32 testing, or both, or is assigned to be placed on an approved
33 electronic monitoring device, shall be ordered to pay the
34 costs incidental to such mandatory drug or alcohol testing,

1 or both, and costs incidental to such approved electronic
2 monitoring in accordance with the defendant's ability to pay
3 those costs. The county board with the concurrence of the
4 Chief Judge of the judicial circuit in which the county is
5 located shall establish reasonable fees for the cost of
6 maintenance, testing, and incidental expenses related to the
7 mandatory drug or alcohol testing, or both, and all costs
8 incidental to approved electronic monitoring, of all
9 defendants placed on supervision. The concurrence of the
10 Chief Judge shall be in the form of an administrative order.
11 The fees shall be collected by the clerk of the circuit
12 court. The clerk of the circuit court shall pay all moneys
13 collected from these fees to the county treasurer who shall
14 use the moneys collected to defray the costs of drug testing,
15 alcohol testing, and electronic monitoring. The county
16 treasurer shall deposit the fees collected in the county
17 working cash fund under Section 6-27001 or Section 6-29002 of
18 the Counties Code, as the case may be.

19 (h) A disposition of supervision is a final order for
20 the purposes of appeal.

21 (i) The court shall impose upon a defendant placed on
22 supervision after January 1, 1992 or to community service
23 under the supervision of a probation or court services
24 department after January 1, 2004, as a condition of
25 supervision or supervised community service, a fee of \$50 for
26 each month of supervision or supervised community service
27 ordered by the court, unless after determining the inability
28 of the person placed on supervision or supervised community
29 service to pay the fee, the court assesses a lesser fee. The
30 court may not impose the fee on a minor who is made a ward of
31 the State under the Juvenile Court Act of 1987 while the
32 minor is in placement. The fee shall be imposed only upon a
33 defendant who is actively supervised by the probation and
34 court services department. The fee shall be collected by the

1 clerk of the circuit court. The clerk of the circuit court
2 shall pay all monies collected from this fee to the county
3 treasurer for deposit in the probation and court services
4 fund pursuant to Section 15.1 of the Probation and Probation
5 Officers Act.

6 A circuit court may not impose a probation fee in excess
7 of \$25 per month unless: (1) the circuit court has adopted,
8 by administrative order issued by the chief judge, a standard
9 probation fee guide determining an offender's ability to pay,
10 under guidelines developed by the Administrative Office of
11 the Illinois Courts; and (2) the circuit court has
12 authorized, by administrative order issued by the chief
13 judge, the creation of a Crime Victim's Services Fund, to be
14 administered by the Chief Judge or his or her designee, for
15 services to crime victims and their families. Of the amount
16 collected as a probation fee, not to exceed \$5 of that fee
17 collected per month may be used to provide services to crime
18 victims and their families.

19 (j) All fines and costs imposed under this Section for
20 any violation of Chapters 3, 4, 6, and 11 of the Illinois
21 Vehicle Code, or a similar provision of a local ordinance,
22 and any violation of the Child Passenger Protection Act, or a
23 similar provision of a local ordinance, shall be collected
24 and disbursed by the circuit clerk as provided under Section
25 27.5 of the Clerks of Courts Act.

26 (k) A defendant at least 17 years of age who is placed
27 on supervision for a misdemeanor in a county of 3,000,000 or
28 more inhabitants and who has not been previously convicted of
29 a misdemeanor or felony may as a condition of his or her
30 supervision be required by the court to attend educational
31 courses designed to prepare the defendant for a high school
32 diploma and to work toward a high school diploma or to work
33 toward passing the high school level Test of General
34 Educational Development (GED) or to work toward completing a

1 vocational training program approved by the court. The
2 defendant placed on supervision must attend a public
3 institution of education to obtain the educational or
4 vocational training required by this subsection (k). The
5 defendant placed on supervision shall be required to pay for
6 the cost of the educational courses or GED test, if a fee is
7 charged for those courses or test. The court shall revoke
8 the supervision of a person who wilfully fails to comply with
9 this subsection (k). The court shall resentence the
10 defendant upon revocation of supervision as provided in
11 Section 5-6-4. This subsection (k) does not apply to a
12 defendant who has a high school diploma or has successfully
13 passed the GED test. This subsection (k) does not apply to a
14 defendant who is determined by the court to be
15 developmentally disabled or otherwise mentally incapable of
16 completing the educational or vocational program.

17 (l) The court shall require a defendant placed on
18 supervision for possession of a substance prohibited by the
19 Cannabis Control Act or Illinois Controlled Substances Act
20 after a previous conviction or disposition of supervision for
21 possession of a substance prohibited by the Cannabis Control
22 Act or Illinois Controlled Substances Act or a sentence of
23 probation under Section 10 of the Cannabis Control Act or
24 Section 410 of the Illinois Controlled Substances Act and
25 after a finding by the court that the person is addicted, to
26 undergo treatment at a substance abuse program approved by
27 the court.

28 (m) The Secretary of State shall require anyone placed
29 on court supervision for a violation of Section 3-707 of the
30 Illinois Vehicle Code or a similar provision of a local
31 ordinance to give proof of his or her financial
32 responsibility as defined in Section 7-315 of the Illinois
33 Vehicle Code. The proof shall be maintained by the
34 individual in a manner satisfactory to the Secretary of State

1 for a minimum period of one year after the date the proof is
2 first filed. The proof shall be limited to a single action
3 per arrest and may not be affected by any post-sentence
4 disposition. The Secretary of State shall suspend the
5 driver's license of any person determined by the Secretary to
6 be in violation of this subsection.

7 (Source: P.A. 92-282, eff. 8-7-01; 92-458, eff. 8-22-01;
8 92-651, eff. 7-11-02; 93-475, eff. 8-8-03.)

9 Section 10. The Sex Offender and Child Murderer
10 Community Notification Law is amended by adding Section 121
11 as follows:

12 (730 ILCS 152/121 new)

13 Sec. 121. Special alerts. A law enforcement agency having
14 jurisdiction may provide to the public a special alert list
15 warning parents to be aware that sex offenders may attempt to
16 contact children during holidays involving children, such as
17 Halloween, Christmas, and Easter and to inform parents that
18 information containing the names and addresses of registered
19 sex offenders are accessible on the Internet by means of a
20 hyperlink labeled "Sex Offender Information" on the
21 Department of State Police's World Wide Web home page and are
22 available for public inspection at the agency's headquarters.

23 Section 99. Effective date. This Act takes effect upon
24 becoming law.